



CAPCOA Engineering Symposium

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EPA Region 9



Agenda

- Regulatory Updates
- NSR SIP Rulemakings
- Electronic Permit System
- Air Curtain Incinerators



Regulatory Updates



Summary of Regulatory Updates

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- Municipal Solid Waste Landfills
 - Oil & Natural Gas
 - Project Emissions Accounting and Project Aggregation
 - Final ACE Rule
 - MM2A Rulemaking (withdrawal of OIAI policy)
 - Risk and Technology Review for NESHAPs



Municipal Solid Waste (MSW) Landfills



MSW Landfills

Recent Actions:

- Proposed Federal Plan for 2016 Emission Guidelines (EGs)
- Final action on State plans (has not published in the Federal Register)
- Rule adopting Subpart Ba Requirements for the 2016 MSW Landfill EGs

California Status:

- Partial Approval/Partial Disapproval related to certain monitoring, recordkeeping and corrective action requirements for temperature and/or oxygen and nitrogen.
- Federal plan will be promulgated for the specific disapproval issues until California submits an updated State plan



Oil & Natural Gas (O&NG) New Source Performance Standards (NSPS)



O&NG NSPS – Subparts OOOO/OOOOa

- Proposed changes:
 - Primary Proposal

 - Remove sources in the “transmission and storage segment” from the source category, and rescind the requirements (VOC and methane) currently applicable to those sources
 - Rescind the methane-specific requirements in the production and processing segments.
 - Alternative Proposal
 - Rescind all of the methane requirements from Subpart OOOOa (no action on transmission and storage segment)



O&NG NSPS – Subparts OOOO/OOOOa

- Proposed action solicits comments on whether EPA should have made a pollutant-specific “significant contribution” finding for the production and processing source category under section 111(b) of the Act for **GHGs** when promulgating Subpart OOOOa.
- Also: if it is determined that EPA should have made a pollutant-specific determination, whether EPA properly satisfied that requirement in the 2016 rulemaking. If EPA did not, does that compel or authorize EPA to repeal the 2016 NSPS Subpart OOOOa rule.
- Comments due October 24, 2019



Project Emissions Accounting and Project Aggregation



NSR: Project Emissions Accounting

- Proposed Rule consistent with change in policy announced in 2018
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- Proposes to amend text to the “hybrid test” in the applicability section of the PSD/Nonattainment NSR regulations
 - 40 CFR 51.165, 51.166, 52.21, and Appendix S to part 51.
 - Revised to clarify the “sum of the differences” includes both increases and decrease in Step 1 of the applicability test. Previously, only interpreted as increases.
 - Does not change certain requirements for serious, severe, and extreme nonattainment areas in section 182 of the Act



NSR: Project Aggregation

- A January 15, 2009 action related to aggregation and project netting, the “2009 NSR Aggregation Action,” had been administratively stayed since 2010.
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- The 2009 NSR Aggregation Action clarified implementation of the NSR program with respect to treating related physical or operational changes as a single “modification” for the purpose of determining NSR applicability at a stationary source.
 - The EPA is retaining the interpretation in the 2009 NSR Aggregation Action. This action lifts the administrative stay.



Other Regulatory Changes



Affordable Clean Energy Rule

- Final rule issued in June, includes repeal of the Clean Power Plan
 - Also makes changes to how future 111(d) plans can be developed for any source category
- Emission Guidelines only applies to coal units; “inside the fenceline” emission reduction measures, plans due in 3 years
- EPA did not finalize the proposed changes to the NSR program that were included in the proposed ACE rule (hourly emissions increase test for EGUs). Expect to finalize at a later date.



MM2A Rule = Major MACT to Area

- Proposes regulatory changes consistent with change in policy (to withdraw the once in, always in policy)
- Would revise the General Provisions of 40 CFR part 63 to allow a source to avoid MACT compliance if its PTE for HAPs is below the major source thresholds.
- Must continue to comply with area source requirements, if any.
- Would add definitions for “legally enforceable” and “practicably enforceable,” revises definition for “potential to emit”
 - 1995 National Mining Association vs EPA decision; federally enforceable vs legally and practicably enforceable



NESHAP – Risk and Technology Review

- EPA has been conducting numerous risk and technology reviews for NESHAP standards under section 111(f) of the Act
- General reminder that these actions have been making minor changes to NESHAP requirements. Recommend reviewing any recent changes as you process title V renewals.
- In particular, the revisions have included removing startup, shutdown, and malfunction exemptions



NSR SIP Rulemakings



NSR SIP Rulemaking

CA Rules SIP-Approved in FY 2019

District / Rule #	Rule Title
Imperial Rule 207	NSR
San Joaquin Valley	NSR Certification
South Coast	NSR Certification
South Coast Rule 1325	Federal PM2.5 Federal NSR
South Coast Rule 1325	Federal PM2.5 Federal NSR
Yolo-Solano	NSR Certification



NSR SIP Rulemaking

CA Rules Withdrawn in FY 2019

District / Rule #	Rule Title
South Coast Rule 1316	Federal Major Modifications
South Coast Rule 3008	Limiting PTE
Ventura Rule 35	Elective Emission Limits
Ventura Rule 26.12	Federal Major Modifications
Mojave Rule 1320	NSR for Toxic Air Contaminants



NSR SIP Rulemaking

Projected CA SIP Actions in FY 2020

District	Rule Package Description
Antelope Valley	2008 Ozone Cert
Calaveras	Model NNSR rule
El Dorado	Model NNSR rule
Mariposa	Model NNSR Rule
Placer	Permit Admin rule
San Diego	NSR Rule correction
San Joaquin	NSR Update - PM2.5
Santa Barbara	NSR rule updates
Ventura	2008 Ozone Cert
Ventura	Rule 10



NSR SIP Rulemaking

Required SIP Submittals

Air District (Area Name) ²	PM2.5 Bump Up	2006 PM2.5 12/14/12	1997 Ozone 6/15/07 6/13/13 ³	PM2.5 Subpart 4 12/31/14	2008 Ozone 7/20/15	FFS 2008 Ozone Cert or submittal 9/6/18	FFS PM2.5 7/7/20	2015 Ozone 8/3/21	Notes
Amador			X					X	Plan to adopt Model rule V2, first submittal
Antelope Valley			OK		A	S		X	Can certify in plan for 2015
Bay Area		A	A	A	A			X	Need Certification
Butte		A	A	A	A			X	Need Certification
East Kern			OK		S	S		X	Submitted Model rule, need V2 model
El Dorado		S	OK	S	S	S		X	Submitted Model rule, need V2 model
Feather River			OK		A			X	Can certify in plan for 2015
Imperial		A	A	A	A			X	Can certify in plan for 2015
Mendocino									Awaiting LD PSD fix submittal
Mojave Desert			S		S	S		X	Submit updated/corrected rules for 2015
Monterey Bay									Awaiting LD PSD fix submittal
North Sierra			S		S	S		X	Submitted Model rule, V2 to be adopted in Nov.
Placer		A	OK	A	A			X	Can certify in plan for 2015
Sacramento		A	OK	A	A			X	Can certify in plan for 2015
San Luis Obispo					S			X	Submitted Model rule, need V2 model
SJ Valley	X	OK	OK	X	A	A	X	X	PM2.5 submittal ~10/19, will cover 2015
South Coast	A	OK	OK	A	A	A		X	Can certify in plan for 2015
Tehama					S	S		X	Submitted Model rule, need V2 model
Tuolumne			X					X	Plan to adopt Model rule V2, first submittal
Ventura			OK		S	S		X	Can certify in plan for 2015
Yolo-Solano		S	OK	S	A	A		X	Can certify in plan for 2015



Electronic Permit System



EPS Updates in the next few months

- Adding project numbers and applications numbers to the form (not required fields)
- Changing check boxes for permit type and source type to a multi-select dropdown
- General improvements to business rules
- Multi-select review status so we can communicate more specific review statuses back to permitting authorities
- Public dashboard. The public dashboard will at least have the EPA petition dates available to start.
- BACT/LAER Clearinghouse: Taking in state input at this stage, contact Sheila if you are interested in joining the state workgroup



Training

- We can provide training upon request
- You can always contact us with specific questions
- We welcome feedbacks on improvements

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Air Curtain Incinerators



CALFIRE Exclusion

- On September 10, 2019, EPA Region 9 approved a one-year extension request from the California Department of Forestry and Fire Protection (CALFIRE) to use air curtain incinerators (ACI) for disaster recovery

- Disaster recovery exclusion – NSPS 40 CFR Part 60, Subpart EEEE, *Standards of Performance for Other Solid Waste Incineration (OSWI) Units for Which Construction is Commenced after December 9, 2004, or for which Modification or Reconstruction is Commenced on or after June 26, 2006*
- Since tree mortality conditions have not improved in California, the Governor declared a state of emergency for forest health in March 2019.
- CALFIRE needed more time to work on longer term solutions, and to assist with the cleanup from the Camp Fire in Butte County.



Long Term Remedies

- We encourage agencies to develop long term strategies for ACI permitting such as:

- Developing General Permits
- Obtaining NSPS Subpart EEEE Delegation



General Permits

- General Permits will streamline the permitting process
- Sample ACI general permits can be found via these agencies

 - Arizona DEQ
 - Washoe County Health District
 - Oklahoma DEQ
 - Texas CEQ

- EPA Region 9, Air Permits Office Contacts
 - Staff Lead: Khoi Nguyen (nguyen.thien@epa.gov; (415) 947-4120)
 - Permits Manager: Gerardo Rios (Rios.Gerardo@epa.gov; (415) 972-3974)



NSPS Subpart EEEE Delegations

- Districts can submit any NSPS delegation requests to EPA Region 9's Rules Office
- The request letter must:
 - Identify the NSPS for which the District is requesting delegation
 - Contain a copy of the locally adopted NSPS regulation (*e.g.*, local agency can adopt NSPS by reference)
 - State the District's agreement to follow applicable provisions of 40 CFR Part 60, including emission limits, the use of EPA or EPA-approved test methods and procedures, reporting and monitoring, and enforcement requirements
 - Acknowledge that certain provisions may not be delegated (*e.g.*, the authority to approve alternative control technologies)



NSPS Subpart EEEE Delegations

- CA Districts with Subpart EEEE Delegations

- Antelope Valley AQMD
 - Mojave Desert AQMD
 - San Diego County APCD
 - Santa Barbara County APCD
 - South Coast AQMD
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Contact: Doris Lo, Air Rules Office Manager at

lo.doris@epa.gov or (415) 972-3959

Done!

